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Letter dated 4 January 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received an addendum to the report from China submitted pursuant to paragraph 6 of resolution 1373 (2001).

I should be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

Letter dated 30 December 2001 from the Chargé d'affaires a.i. of the Permanent Mission of China to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to transmit herewith a supplement to the report of the Government of China on the implementation of Security Council resolution 1373 (2001) concerning counter-terrorism (see enclosure).

(*Signed*) **Shen** Guofang
Chargé d'affaires and Ambassador
Permanent Mission of China

Enclosure

[Original: Chinese]

Supplementary report on implementation by China of Security Council resolution 1373 (2001)

On 24 December 2001, the Government of China submitted to the Security Council a report on the implementation of Security Council resolution 1373 (2001), in which it was mentioned that China was considering amending its Criminal Law in order more rigorously and effectively to combat criminal terrorist activities. On 29 December 2001, the ninth session of the Standing Committee of the National People's Congress adopted draft amendments to the Criminal Law of the People's Republic of China; the amendments entered into force the same day. The provisions of the amended Criminal Law regarding measures to punish terrorist crimes have been made more explicit. Prominent among them are the following:

1. Article 114 of the Criminal Law stipulates that whoever endangers public security by causing fires, floods or explosions, or by disseminating poisonous or radioactive substances or contagious-disease pathogens, or employing other dangerous means, is to be sentenced to not less than three years but not more than 10 years of fixed-term imprisonment in cases where serious consequences have not been caused.

2. Article 115 of the Criminal Law stipulates that whoever causes fires, floods or explosions or disseminates poisonous or radioactive substances or contagious-disease pathogens, or employs other dangerous means that lead to serious injury or death or cause major damage to public or private property, is to be sentenced to not less than 10 years of fixed-term imprisonment, life imprisonment, or the death penalty.

3. Article 120 of the Criminal Law stipulates that whoever organizes or leads a terrorist organization is to be sentenced to not less than 10 years of fixed-term imprisonment or life imprisonment; whoever actively participates in a terrorist organization is to be sentenced to not less than three years but not more than 10 years of fixed-term imprisonment; other participants are to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or public surveillance. Individuals who finance terrorist organizations or engage in terrorist acts are to be sentenced to not more than five years of fixed-term imprisonment, criminal detention, or public surveillance or deprived of their political rights, and are also to be subject to punitive fines. When the circumstances of the case are serious, such individuals are to be sentenced to not less than five years of fixed-term imprisonment, and are to be subject to punitive fines or confiscation of property. When a work unit commits the offences mentioned in the preceding paragraph, it is to be subject to punitive fines and its directly presiding officers and other directly responsible staff are to be punished in accordance with the provisions of the preceding paragraph.

4. Article 125, Paragraph 2 of the Criminal Law stipulates that whoever endangers public security by illegally manufacturing, trading, transporting or storing poisonous or radioactive substances or contagious-disease pathogens is to be punished in accordance with the provisions of the preceding paragraph.

5. Article 127 of the Criminal Law stipulates that whoever endangers public security by stealing or seizing firearms, ammunition or explosive articles, or stealing or seizing poisonous or radioactive substances or contagious-disease pathogens, is to be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment, or not less than 10 years of fixed-term imprisonment, life imprisonment, or the death penalty when the circumstances are serious. Whoever endangers public security by plundering firearms, ammunition or explosive articles, or plundering poisonous or radioactive substances or contagious-disease pathogens, or steals or seizes firearms, ammunition, or explosive articles from State organs, military or police personnel, or people's militia is to be sentenced to not less than 10 years of fixed-term imprisonment, life imprisonment, or the death penalty.

6. Article 191 of the Criminal Law stipulates that whoever commits any of the acts listed below for the purpose of concealing or withholding the source or nature of what one knows to be the illegal gains of narcotics crimes, underworld organized crimes or crimes of smuggling, or to be the profits produced by such crimes, is to have the aforementioned illegal gains or profits confiscated and is to be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and is to be additionally or exclusively sentenced to a fine of not less than 5 per cent and not more than 20 per cent of the amount of money so laundered; when the circumstances are serious, the sentence is to be not less than five years and not more than 10 years of fixed-term imprisonment and a fine not less than 5 per cent and not more than 20 per cent of the amount of money so laundered: (1) providing funding accounts; (2) assisting in the conversion of property into cash or financial instruments; (3) assisting in the movement of funds by means of transfer accounts or other forms of account clearance; (4) assisting in the expatriation of funds; and (5) concealing or withholding by other means the source or nature of the illegal gains or profits produced by crimes. When a work unit commits the offences mentioned in the preceding paragraph, it is to be subject to punitive fines and its directly presiding officers and other directly responsible staff are to be sentenced to not more than five years of fixed-term imprisonment or criminal detention, or when the circumstances are serious, the sentence is to be not less than five years and not more than 10 years of fixed-term imprisonment.

7. Article 291 of the Criminal Law stipulates that whoever provokes a serious disturbance of the social order by disseminating false explosive, poisonous or radioactive substances or contagious-disease pathogens, or fabricates threats or information concerning explosives or biological or radioactive agents, or knowingly disseminates fabricated threats or messages, is to be sentenced to not less than five years of fixed-term imprisonment, criminal detention, or public surveillance, or not less than five years of fixed-term imprisonment if serious consequences have been caused.